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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,194	10/01/2003	Daniel N. Debrito	200311299-1	9604

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EXAMINER

SMITH, JEFFREY S

ART UNIT PAPER NUMBER

2635

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/677,194

Applicant(s)

DEBRITO, DANIEL N.

Examiner

Jeffrey S. Smith

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10, 13, 14, 16-23, 26-27, and 30-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 16, 21 "the case" lacks antecedent basis.

In claims 4, 9, 13, 18, 23, 26, 30 "the orientation" lacks antecedent basis.

In claims 6, 8 "the remaining letters" lack antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 10-12, 15-17, 20-22, 24-25 and 28-29 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,937,356 issued to Ito et al. ("Ito").

For claim 1 Figure 16 of Ito shows an attribute of a digital image (jpeg compression) encoded using the case of letters (the lower case letters "jpg") in an extension (".jpg") of a file name associated with the digital image ("image01.jpg").

For claim 2, the case of each letter in the extension shown in Figure 16 is all lower case, which reads on the claimed element of "one of upper case and lower case."

For claim 10, the letters in the extension are one of "jpg," "gif," and "tif," as shown in Figure 16.

For claim 11, the file name of Figure 16 is used by a method for displaying a digital image, comprising reading a file name associated with the digital image ("image01.jpg"), the file name including an extension (".jpg"), the extension comprising at least one letter (the letters j, p, and g), each of the at least one letters being represented in one of at least two possible cases (each letter is represented in lower case); interpreting the case of the at least one letters as an encoded attribute of the digital image (the encoded attribute is the jpeg compression of the image); and displaying the digital image in accordance with the encoded attribute (a jpeg algorithm decompresses the image and it is displayed).

For claim 12, the at least two possible cases are upper case and lower case.

For claim 15, the at least one letters in the extension are one of "jpg," "gif," and "tif."

For claim 16, Figure 1 of Ito shows a digital imaging device, comprising:
an imaging module 101 to convert an optical image to a digital image, the digital image having an attribute;
a memory 104 in which to store the digital image; and
control logic 4 configured to associate a file name with the digital image, the file name including an extension, the extension comprising at least one letter, the case of

the at least one letters being selected by the control logic to encode the attribute, as shown in Figure 16.

For claim 17, the case of each of the at least one letters is one of upper case and lower case.

For claim 20, the digital imaging device is one of a digital camera, a digital camcorder, and a PDA.

For claim 21, Ito discloses a digital imaging device, comprising means for converting an optical image to a digital image; means for storing the digital image; and means for associating a file name with the digital image, the file name including an extension, the extension comprising at least one letter and for selecting the case of the at least one letters so as to encode an attribute of the digital image, as shown in Figures 1 and 16.

For claim 22, the case of each of the at least one letters in the extension is one of upper case and lower case.

For claim 24, Ito discloses a system programmed to perform the following method: reading a file name associated with a digital image, the file name including an extension, the extension comprising at least one letter, each of the at least one letters being represented in one of at least two possible cases; interpreting the case of the at least one letters as an encoded attribute of the digital image; and displaying the digital image in accordance with the encoded attribute, as shown in Figure 16.

For claim 25, the at least two possible cases are upper case and lower case.

For claim 28, Ito discloses a computer-readable storage medium containing program code to display a digital image, comprising a first code segment that reads a file name associated with a digital image, the file name including an extension, the extension comprising at least one letter, each of the at least one letters being represented in one of at least two possible cases; a second code segment that interprets the case of the at least one letters as an encoded attribute of the digital image; and a third code segment that causes the digital image to be displayed in accordance with the encoded attribute.

For claim 29, the at least two possible cases are upper case and lower case.

Allowable Subject Matter

Claims 3-9, 13-14, 18-19, 23, 26-27 and 30-31 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Ito in Figures 4A, 4B, and 4C discloses a file extension that includes the orientation of the image. However, the orientation is encoded using additional numbers in the extension, instead of using a combination of upper and lower case letters in the extension. Ito also shows in Figure 8C a file extension that uses letters to encode an image attribute. However, this encoding of the orientation is not performed using a combination of upper and lower cases of the letters of the extension.

Conclusion

The prior art made of record is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,198,526 issued to Ohtsuka discloses a file name that includes a tag containing the orientation of the image as shown in Figure 7.

U.S. Patent No. 5,900,909 issued to Parulski et al. discloses a code that records the orientation of the image as shown in Figure 6.

U.S. Patent No. 6,762,791 issued to Schuetzle associates an image with an attribute, as shown in Figures 3 and 4.

U.S. Patent No. 6,834,126 issued to Henry et al., U.S. Patent No. 6,262,769 issued to Anderson et al., and U.S. Patent No. 6,222,584 issued to Pan disclose methods of modifying a geometric orientation of an image.

U.S. Patent No. 6,747,690 issued to Molgaard discloses a digital camera with integrated accelerometers.

U.S. Patent No. 6,148,149 issued to Kagle discloses a camera with automatic image rotation.

U.S. Patent No. 7,110,026 discloses a method of tagging images for post processing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey S. Smith whose telephone number is 571 270-1235. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marvin Lateef can be reached on 571 270-1245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MARVIN LATEEF
SUPERVISORY PATENT EXAMINER

JSS 10.27.06
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